

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC STEWART,

Petitioner,

Case Number: 05-CV-74024

v.

HON. LAWRENCE P. ZATKOFF

RAYMOND BOOKER,

Respondent.

ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE

Petitioner Eric Stewart filed a *pro se* petition for a writ of habeas corpus. Petitioner, who is currently incarcerated at the Ryan Correctional Facility in Detroit, Michigan, failed to pay the \$5.00 filing fee or an application for leave to proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); 28 U.S.C. § 1915; Rule 3 of the Rules Governing Section 2254 Cases. The Court, therefore, issued an Order to Correct Deficiency on November 2, 2005.

The Deficiency Order required Petitioner to submit: (i) the \$5.00 filing fee; or (ii) an application to proceed *in forma pauperis*. The Deficiency Order provided that, if Petitioner did not correct the deficiency within twenty-one days from the date of the Order, the petition would be subject to summary dismissal. The time for correcting the deficiency has elapsed and Petitioner has failed to do so.

Accordingly, **IT IS ORDERED** that the petition for a writ of habeas corpus is
DISMISSED WITHOUT PREJUDICE.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: December 28, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 28, 2005.

s/Marie E. Verlinde
Case Manager
(810) 984-3290